

Application. No. 10/675,774
Response Dated April 5, 2010
Reply to Office Action of January 5, 2010

REMARKS / ARGUMENTS

With regard to the Final Office Action, the Examiner considers the arguments brought forward in the Applicant's response to the Office Action mailed on July 7, 2009 persuasive. The Final Office Action on p. 2 stated, however, that the Applicant failed to amend the claims pursuant to the arguments presented, in particular with respect to the functionalities of the third communication device, and thus maintained the rejection, and the Examiner requested corresponding amendments to the claims.

In the present amendment, the Applicant has correspondingly amended independent claims 1, 5, 9, 14, 20, 26, 33, 37, and 41. Specifically, the Applicant has amended claims 1, 5, 9, 14, 20, 26, 33, 37, and 41 to read from the standpoint of the third communication device to address the Examiner's rejection, and to further enhance the readability of the claims.

REJECTION UNDER 35 U.S.C. § 102

I. Barber Does Not Anticipate Claims 1-32

The Applicant now turns to the rejection of claims 1-32 under 35 U.S.C. 102(e) as being anticipated by Barber. With regard to the anticipation rejections under 102(e),

MPEP 2131 states that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See id. (internal citation omitted).

A. Rejection of Independent Claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102 (e)

In response to the arguments brought in the Office Action of July 7, 2009, the Applicant respectfully submits that claims 1-32 define patentable subject matter. In particular, Barber does not anticipate at least the following limitations of amended claim 1:

receiving media containing a security code from a first communication device at a third communication device, wherein said security code is acquired by said first communication device from a second communication device;

translating said security code to an IP address corresponding to said second communication device at said third communication device;

Specifically, the Office Action states that:

Instant claim limitations can broadly be interpreted as any two devices communicating with each other, in particular server 220 and user terminal 110 in the security system 200 [as illustrated in Barber FIG. 2]. Local server 220 receives/authenticates the user security code (password, ID) along with translating that security code by substituting with fresh password (using it as an IP address of the user terminal). Since the original ID was never disclosed, Barber (6,502,193) does disclose secure

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communication by exchanging information without specifically declaring IP address to the first communication device.

The above statement is based upon a misunderstanding of claim 1. Initially, the Applicant would like to draw the Examiner's attention to the fact that claims 1, 5, 9 have been amended to further clarify the language of the claims, and to further prosecution. In particular, the independent claims have been rewritten to be read from the point of view of the third communication device.

The Office Action of July 7, 2009 states that "[l]ocal server 220 receives/authenticates the user security code (password, ID)." Thus, the Office Action of July 7, 2009 considers the local server 220 in FIG. 2 of Barber to be a first communication device ("acquiring a security code from a second communication device *by a first communication device*"), and user terminal 110 as a first communication device ("acquiring a security code *from a second communication device*"). The Office action of July 7, 2009 then states that "Local server 220 . . . *authenticates* the user security code (password, ID) along with translating that security code by substituting with fresh password (using it as an IP address of the user terminal)." However, this is inconsistent with the claims by the Applicant because "translating said security code to an IP address" as claimed by the applicant occurs at a third communication device, as claimed by the Applicant in the amended independent claims. The Applicant points out that even the claim in its original form did *not* state that the media containing the

security code was received by a first communication device, as assumed and stated in the Office Action of July 7, 2009. On the contrary, the claim states that the media is received "from a first communication device." Thus, the Office Action of July 7, 2009 failed to notice that the secure communication described and claimed by the Applicant involves three communication entities. For this reason, the Applicant has amended independent claims 1, 5, 9, 14, 20, 26, 33, 37, and 41 to further clarify the claims.

In support of the Applicant's position, the Applicant would also refer the examiner to, for example, the description of FIG. 2A by the Applicant, which summarizes the arguments set forth above. In paragraph [50], it is stated that "In step 204, the proxy server [i.e. a third communication device] completes the push [of the received media] by routing the media to the second communication device using the IP address of the second communication device, which is kept anonymous with respect to the first device." Thus, it is clear that at least three communication devices are involved.

The Office Action of July 7, 2009 further states that the Applicant's arguments fail to comply with 37 CFR 1.111(b) for failing to specifically distinguish the Applicant's claims from the cited references. In light of the above explanation, and the detailed comments brought in the response mailed March 17, 2009 to the Office Action of October 10, 2008, the Applicant respectfully submits that the claims 1, 5, 9, 14, 20, 26, 33, 37, and 41 define patentable subject matter, and that the Applicant clearly

distinguished his claims from the cited references.

Claims 14, 20, and 26 have been amended in accordance with the suggestion on p. 4 in the Office Action of July 7, 2009 regarding allowable subject matter. In addition, claims 14, 20 and 26 are similar in many respects to amended claims 1, 5, and 9, as well as the previously presented independent claims 33, 37, and 41. The Applicant therefore respectfully requests that independent claims 1, 5, 9, 14, 20, 26, 33, 37 and 41 be made allowable.

The Applicant also reserves the right to argue further reasons beyond those set forth here in support of the allowability of claims 1, 5, 9, 14, 20, 26, 33, 37 and 41.

B. Rejection of Dependent Claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32

Based on at least the foregoing, and the Examiner's acceptance of the Applicant's arguments made in response to the Office Action of July 7, 2009, the Applicant believes the rejection of independent claims 1, 5, 9, 14, 20, and 26 under 35 U.S.C. § 102(e) as being anticipated by Barber has been overcome and request that the rejection be withdrawn. Additionally, claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32 depend from independent claims 1, 5, 9, 14, 20, and 26, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those

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set forth above to support the allowability of claims 1-32.

The dependent claims 34-36, 38-40, and 42-45 are similar in many respects to the dependent claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32, and the Applicant asserts that they define patentable subject matter.

REJECTION UNDER 35 U.S.C. § 112

I. REJECTION UNDER 35 U.S.C §112, 2ND PARAGRAPH

The Applicant now turns to the rejection of claims 1-32 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated in the Office Action of July 7, 2009 that the "[t]he independent claims recite 'secure communication of information in a communication network ...,' however do not show how that secure communication is achieved".

The applicant initially would like to point out that the MPEP § 2171 states that

"If a rejection is based on 35 U.S.C §112, second paragraph, the examiner should further explain whether the rejection is based on indefiniteness or on the failure to claim what applicants regard as their invention. *Ex parte Ionescu*, 222 USPQ 537, 539 (Bd. App. 1984)."

From the Examiner's comment, the Applicant assumes that the rejection of independent claims 1, 5, 9, 14, 20, and 26 on the part of the examiner was based on indefiniteness.

Regarding the rejection of claims 1, 5, 9, 14, 20, and 26 for indefiniteness, the Applicant would like to draw the Examiners attention to the Applicant's patent application, in particular paragraphs [49]-[50] which describe FIG. 2A. The description clearly, distinctly and concisely describes an embodiment of the invention, which for example, allows a first communication device to send data to a second communication device, without knowing the second communication device's IP address, by utilizing a third communication device, namely a proxy server. Thus, the second communication device's IP address can be hidden, and is thus secure, from the first communication device. See e.g. [50], lines 4-7 in the Applicant's patent application: "In step 204, the proxy server completes the push by routing the media to the second communication device using the IP address of the second communication device, which is kept anonymous with respect to the first device."

Hence, the Applicant submits that the rejection based on 35 U.S.C. § 112, second paragraph on the independent claims 1, 5, 9, 14, 20, and 26 is removed and the claims made allowable because of at least the above arguments. Because claims 2-4, 6-8, 10-13, 15-18, 21-24, and 27-32 depend on the independent claims 1, 5, 9, 14, 20, and 26, respectively, the Applicant respectfully requests that all claims 1-32 are made allowable.

Moreover, claims 33-45 are similar in many respects to claims 1-32. In view of the above, the Applicant believes the rejection on claims 1-32 under 35 U.S.C. §112 have been overcome, and respectfully assert that claims 33-45 define patentable subject matter.

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In light of the amendments made, and the fact that the Examiner considered the arguments set forth by the Applicant persuasive, the Applicant believes that all claims 1-18, 20-24, 26-30, and 32-45 are in condition for allowance, and respectfully requests the rejection to be withdrawn, and the claims be made allowable. The Applicant reserves the right to argue further points in addition to those set forth above.

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CONCLUSION

Based on at least the foregoing, Applicant believes that all pending claims 1-18, 20-24, 26-30, and 32-45 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a phone interview, and requests that the Examiner telephone the undersigned at 312-775-8105.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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